



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

Katharine R. Boyce, Esq.
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2550 M St., N.W.
Washington, D.C. 20037

DEC 1 2009

RE: MUR 6127 and 6110
VIDA Fitness
Urban Salons, Inc., d/b/a
Bang Salon Spa
David von Storch

Dear Ms. Boyce:

On November 3 and 10, 2008, the Federal Election Commission (the "Commission") notified your clients, VIDA Fitness, Urban Salons, Inc., d/b/a Bang Salon Spa ("Bang Salon"), and David von Storch of complaints alleging that your clients violated the Federal Election Campaign Act of 1971, as amended (the "Act") and provided your clients with a copy of the complaints.

After reviewing the allegations contained in the complaint, your clients' responses, and publicly available information, the Commission on November 17, 2009, found reason to believe that VIDA Fitness, Bang Salon, and David von Storch violated 2 U.S.C. § 441b(a) a provision of the Act and 11 C.F.R. § 114.2(f). In addition, the Commission dismissed the allegation that VIDA Fitness and Bang Salon violated 11 C.F.R. § 102.17(c). Finally, the Commission severed the portion of MUR 6110 concerning Bang Salon and merged this respondent into MUR 6127. Please direct all future correspondence to the Commission regarding Bang Salon using the appropriate designation of MUR 6127. Enclosed are the Factual and Legal Analyses that set forth the basis for the Commission's determination.

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MUR 6127 and 6110 (VIDA Fitness, Bang Salon Spa,
and David von Storch)
Letter to Katharine R. Boyce, Esq.
Page 2

In the meantime, this matter will remain confidential in accordance with 2 U.S.C.
§§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish
the matter to be made public. We look forward to your response.

On behalf of the Commission,


Steven T. Walther
Chairman

Enclosures
Factual and Legal Analyses

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: VIDA Fitness MUR 6110
 Urban Salons, Inc., d/b/a Bang Salon Spa

I. GENERATION OF MATTER

This matter was generated by a complaint filed with the Federal Election Commission by Robert J. Kabel, on behalf of the District of Columbia Republican Committee. *See* 2 U.S.C. § 437g(a)(1).

II. INTRODUCTION

The complaint alleges that VIDA Fitness and Bang Salon Spa violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f) by facilitating the making of contributions to the Obama Victory Fund ("OVF"), a joint fundraising committee of the Democratic National Committee ("DNC") and Obama for America ("OFA"), the principal campaign committee of Barack Obama for his 2008 presidential campaign. The complaint claims that VIDA Fitness and Bang Salon Spa ("Bang Salon") facilitated the making of contributions by using their email accounts and a common list of their "customers and friends" to email invitations/solicitations to a September 26, 2008 OVF fundraiser that was held at a VIDA Fitness gym. Complaint at 2. Because it appeared that VIDA Fitness and Bang Salon never charged OVF for the use of the email list, the complaint argues that VIDA Fitness and Bang Salon made prohibited corporate contributions. *Id.* Bang Salon is the brand name for Urban Salons, Inc. For the sake of clarity, this entity is herein referred to as "Bang Salon." In view of OVF's status as a joint fundraising committee, the complaint also alleged that the VIDA/Bang Salon emails should have contained a joint fundraising notice pursuant to 11 C.F.R. § 102.17(c). *See id.* at 2-3. The joint response from VIDA Fitness and Bang Salon was submitted by their founder and CEO, David von Storch.

As set forth below, the Commission finds reason to believe that Urban Salons, Inc., d/b/a Bang Salon Spa as well as VIDA Fitness violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f) by facilitating contributions to OVF using their email list. In addition, because von Storch was an OVF fundraising volunteer that drafted the VIDA/Bang email invitation/solicitation without the knowledge or authorization of OVF and its lack of a joint fundraising notice was of limited impact, the Commission dismisses the allegation that VIDA Fitness and Urban Salons, Inc., d/b/a Bang Salon Spa violated 11 C.F.R. § 102.17(c) based on the email solicitations sent by VIDA Fitness and Bang Salon.

III. FACTUAL SUMMARY

VIDA Fitness is a Subchapter S corporation, *see* VIDA/Bang Response at 2, and Bang Salon is the trade name of Urban Salons, Inc. On September 19, 2008, VIDA Fitness and Bang Salon sent identical emails to 20,000 of their "customers and friends" that invited them to an official OVF fundraiser and solicited contributions to OVF. *See* Complaint at 1; VIDA/Bang Response at 3. The email list was one that the two businesses shared and the fundraiser was held on September 26, 2008, in Washington, D.C., at the site of a VIDA Fitness gym and a Bang Salon. *See* VIDA/Bang Response at 3. The available information indicates that OVF also sent 500 invitations to the event.

The complaint alleges that this use of the VIDA/Bang email list constituted prohibited corporate facilitation of contributions to OVF in violation of 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f)(1). *See* Complaint at 2. Furthermore, the complaint alleges that in view of OVF's status as a joint fundraising committee, the email solicitations failed to include joint fundraising notices as required by 11 C.F.R. § 102.17(c)(2)(i).

1 David von Storch, founder and CEO of both VIDA Fitness and Bang Salon, submitted a
2 response stating that he sent the emails "in his personal capacity as an individual volunteer for
3 the OVF." VIDA/Bang Response at 2. According to von Storch, he attempted to make clear that
4 the fundraiser was not corporate-sponsored or funded by including a disclaimer in the emails that
5 stated "VIDA and Bang do not endorse nor support any political candidate, but do encourage
6 their members and friends to get involved and participate in the electoral process." *Id.* at 2-3.
7 Von Storch claims that he made the decision to send the invitations/solicitations using the
8 VIDA/Bang email list without consulting with Tom Petrillo of the DNC's Finance Department,
9 with whom he had made the arrangements for the use of the VIDA gym for the OVF fundraiser.
10 *See id.* Von Storch asserts that he subsequently compensated VIDA Fitness \$3,000 for his use of
11 the email list, which contained 20,000 email addresses, and for his use of the internet.
12 VIDA/Bang Response at 3. OVF has disclosed this contribution.

13 The email that von Storch sent to the 20,000 recipients on the VIDA/Bang email list
14 stated that the cost of attendance was either \$100 for a "Friend," \$250 for a "Supporter," or
15 \$2,500 for "Host committee members." *See* Exhibit B to the Von Storch Declaration (attached
16 to the VIDA/Bang Response as Exhibit 1). Those wishing to RSVP were directed to a
17 contribution page on OFA's website, <https://donate.barackobama.com/page/contribute/DCSJP>.
18 The invitation/solicitation sent by von Storch did not provide any other means of submitting an
19 RSVP or making a contribution. According to the VIDA/Bang Response, the second page of
20 Exhibit B to the Von Storch Declaration is a copy of the web page to which that link led at the
21 time of the VIDA/Bang Fundraiser. *See* VIDA/Bang Response at 3 and Exhibit B to the Von
22 Storch Declaration (attached to the VIDA/Bang Response as Exhibit 1). The contribution
23 webpage includes the following disclaimer:

The first \$2,300 of each contribution from an individual will be allocated to Obama for America and will be considered designated for the general election. The next \$28,500 of each contribution from an individual will be allocated to the Democratic National Committee. Any contributor may designate his or her contribution for a particular participant. (Participants are Obama for America and the DNC). The allocation formula above may change if any contributor makes a contribution that, when allocated, would exceed the amount that the contributor may lawfully give to either participant.

See Exhibit B to the Von Storch Declaration.

The available information indicates that the DNC and OVF did not request or receive the email list itself and von Storch, a volunteer fundraiser, used the VIDA/Bang email list without their prior request, approval or authorization.

IV. ANALYSIS

A. Use of the VIDA/Bang Email List

A corporation is prohibited from making a contribution in connection with a federal election under the Act. See 2 U.S.C. § 441b(a); 11 C.F.R. § 114.2(b). The Commission's regulations further provide that a corporation may not facilitate the making of a contribution by using its corporate resources to engage in fundraising activities for any federal election. See 11 C.F.R. § 114.2(f)(1). The regulations provide examples of conduct that constitute corporate facilitation, including the use of a corporate customer list, to send invitations to individuals not within the restricted class to fundraisers without advance payment. See 11 C.F.R. § 114.2(f)(2).

Corporations such as VIDA Fitness and Bang Salon, which do not have separate segregated funds, are permitted to solicit contributions to be sent directly to candidates, but those solicitations are limited solely to its restricted class, consisting of its stockholders and executive or administrative personnel, and their families. 2 U.S.C. § 441b(b)(2)(A); 11 C.F.R. §§ 114.1(j) and 114.2(f). Moreover, corporate facilitation may result if the corporation uses its list of customers, who are not within the restricted class, to solicit contributions or distribute invitations

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1 to fundraisers without advance payment for the fair market value of the list. *See* 11 C.F.R.
2 § 114.2(f)(2)(i)(C).

3 Thus, when VIDA fitness and Bang Salon (through David von Storch, their founder and
4 CEO) emailed a list of 20,000 VIDA Fitness and Bang Salon customers and friends to distribute
5 the OVF fundraiser invitation without advance payment, VIDA Fitness and Bang Salon solicited
6 outside their restricted classes and facilitated the making of contributions to OVF. While Mr.
7 von Storch reimbursed VIDA after the complaint was filed, such reimbursement may mitigate
8 but not vitiate a violation. Accordingly, the Commission finds reason to believe that VIDA
9 Fitness and Urban Salons, Inc., d/b/a Bang Salon Spa violated 2 U.S.C. § 441b(a) and 11 C.F.R.
10 § 114.2(f).

11 **B. Joint Fundraising Notices**

12 The invitations and solicitations sent to the 20,000 email addresses on the VIDA/Bang
13 email list included solicitations for contributions to OVF, a joint fundraising committee.
14 Solicitations for joint fundraising activity must include certain information pursuant to 11 C.F.R.
15 § 102.17(c), including the names of all committees participating in the joint fundraising activity,
16 the allocation formula to be used to distribute joint fundraising proceeds, a statement informing
17 contributors that they may designate contributions for a particular participant in the joint
18 fundraising activity notwithstanding the allocation formula, and that the formula may change to
19 avoid the making and receipt of excessive contributions.

20 Although the email drafted by von Storch did not contain the required joint fundraising
21 notice, the only means of making the contribution solicited in the email was to use the link
22 included in the email. *See* Exhibit A to Von Storch Declaration. According to the VIDA/Bang
23 response, the web link in the VIDA/Bang email invitation/solicitation directed contributors to a

1 joint OVF-DNC webpage created specifically for the fundraiser where they could make an
2 online contribution that included the required joint fundraising notice.¹ VIDA/Bang Response at
3 2-3. The available information indicates that the OVF invitation/solicitation for the fundraiser
4 also included a second page with a complete joint fundraising notice.

5 Under the circumstances, including that David von Storch was an OVF fundraising
6 volunteer who drafted an email soliciting contributions without the knowledge or authorization
7 of OVF, and that a joint fundraising notice was included in both the official OVF
8 invitation/solicitation and the joint OVF-DNC webpage to which the VIDA/Bang unauthorized
9 solicitation directed contributors, the Commission dismisses the allegation that VIDA Fitness
10 and Urban Salons, Inc., d/b/a Bang Salon Spa violated 11 C.F.R. § 102.17(c). *See Heckler v.*
11 *Chaney*, 470 U.S. 821, 831 (1985).

12 **V. CONCLUSION**

13 There is reason to believe that VIDA Fitness and Urban Salons, Inc., d/b/a Bang Salon
14 Spa violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f). The Commission dismisses the
15 allegation that VIDA Fitness and Urban Salons, Inc., d/b/a Bang Salon Spa violated 11 C.F.R.
16 § 102.17(c).

¹ At this time, that link re-directs contributors to <https://donate.barackobama.com/page/contribute/dnc08main>, which appears to be a page on the OFA website (now part of the DNC) and does not include a joint fundraising notice.

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: VIDA Fitness
David von Storch

MUR: 6127

I. INTRODUCTION

The Complaint in this matter alleges that VIDA Fitness ("VIDA"), a health club based in Washington, D.C., violated 2 U.S.C. § 441b(a) and 11 C.F.R. §§ 114.2(b), (d) and (f) by facilitating the making of contributions and making prohibited contributions to the Obama Victory Fund ("OVF"), a joint fundraising committee comprised of OFA and the Democratic National Committee ("DNC"). The Complaint claims that VIDA facilitated the making of contributions by using a corporate email list to distribute OVF fundraising solicitations and allowing OVF to use VIDA's facilities for a fundraiser. Because VIDA allegedly never charged OVF for the use of the email list or the use of the space, the Complaint argues that VIDA made, and OVF knowingly accepted, prohibited corporate contributions. Based on the discussion below, the Commission finds reason to believe that VIDA and David von Storch violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f) by facilitating the making of a contribution.

II. FACTUAL BACKGROUND

VIDA, a Subchapter S corporation, is a fitness club with three locations in Washington, D.C.¹ Response of VIDA Fitness ("VIDA Response"), Declaration of David von Storch ("von Storch Dec.") at ¶ 1. David von Storch is VIDA's sole shareholder and has been an active member of the Democratic Party. von Storch Dec. at ¶¶ 1-2. According to the VIDA Response, in mid-September 2008, Mr. von Storch and Tom Petrillo, a fundraiser for the DNC, spoke about holding a fundraising event on September 26, 2008 to benefit OVF. *Id.* at ¶ 3. Mr. von Storch

¹ See VIDA Fitness website, www.vidafitness.com.

1 told Mr. Petrillo about empty space at VIDA's newest location, and they agreed to hold the event
2 at this location. *Id.* The VIDA Response and the Response of DNC and OVF ("DNC/OVF
3 Response") indicate that Mr. Petrillo informed Mr. von Storch that OVF would have to be
4 invoiced for the rental of the space as well as any food or beverages served at the event. *Id.*;
5 DNC/OVF Response, Declaration of Thomas Petrillo ("Petrillo Dec.") at ¶ 4.

6 Prior to September 19, 2008, Mr. Petrillo emailed Mr. von Storch an invitation to the
7 fundraiser. See OVF Invitation, attached as Exhibit A to DNC/OVF Response; von Storch Dec.
8 at ¶ 7. Mr. Petrillo also emailed this invitation to approximately 500 donors in the D.C.
9 metropolitan area. Petrillo Dec. at ¶ 5. According to Mr. von Storch, he revised the invitation,
10 without Mr. Petrillo's knowledge or approval, adding a special disclaimer stating, "VIDA and
11 Bang² do not endorse nor support any political candidate, but do encourage their members and
12 friends to get involved and participate in the electoral process." See VIDA Invitation, attached
13 as Exhibit B of VIDA Response; von Storch Dec. at ¶ 7. On his own accord and without the
14 knowledge or approval of Mr. Petrillo, Mr. von Storch then emailed this invitation to
15 approximately 20,000 individuals who were on a list, prepared by Mr. von Storch, of customers
16 and friends of VIDA and Bang. von Storch Dec. at ¶¶ 9, 10; Petrillo Dec. at ¶¶ 7-8. Mr. von
17 Storch states that he subsequently paid Vida \$3,000 as a "personal in-kind contribution" to the
18 OVF for the use and rental of the email list, calculated as "\$150[0].00 [sic] per 10,000 names."
19 von Storch Dec. at ¶ 10. The Commission's disclosure database indicates that Mr. von Storch
20 made a \$3,000 contribution to OVF on December 4, 2008.³

² Bang refers to Bang Salon and Spa, which is a salon owned by Mr. von Storch.

³ Although the contribution limit for individuals to a candidate committee during the 2008 election cycle was \$2,300, individuals could give a maximum contribution of \$28,500 to national party committees. See 2 U.S.C. § 441a(a). Because OVF was a joint fundraising committee in which OVF and the DNC were participants, an individual could make a contribution up to \$30,800. See 11 C.F.R. § 102.17(c)(5) (providing that a contributor

1 On September 26, the day of the fundraiser, OVF brought in, at its own expense, the
2 equipment and volunteers to manage the event and guests, von Storch Dec. at ¶ 11, but it had not
3 received an invoice from VIDA for the use of the space and beverages. According to press
4 reports, more than 400 attended this event and tickets were "almost sold out" at \$250 to \$2,500.⁴
5 In addition, there were a limited number of tickets available at \$100. See VIDA Invitation.

6 Given that the gym was to open on the following Monday, von Storch reportedly promoted this
7 event a "sneak peak" into the new location.⁵ At this time, we do not have information as to how
8 much was raised or how much of the amount raised resulted from Mr. von Storch's invitations.

9 After the event, Mr. Petrillo claims that he asked Mr. von Storch for an invoice but did
10 not receive one immediately. Petrillo Dec. at ¶ 9. According to Mr. von Storch, because the
11 main celebrity attraction cancelled her appearance at the last minute, "[f]rustration and confusion
12 reigned, and invoicing for the rental space and beverages got lost in the shuffle." von Storch
13 Dec. at ¶ 11. Furthermore, Mr. von Storch became occupied with the grand opening of the new
14 VIDA location and did not realize that he forgot to submit the invoice to Mr. Petrillo. von Storch
15 Dec. at ¶ 12. Mr. Petrillo also was deployed to Ohio to conduct campaign work and did not
16 realize that he had not yet received an invoice. Petrillo Dec. at ¶ 12. When Mr. Petrillo learned
17 of the Complaint in this matter, he again asked Mr. von Storch for the invoice. Petrillo Dec. at ¶
18 11.

could make a contribution to the joint fundraising effort in an amount that represents the total of the allowable contribution limits for all participants).

⁴ Ann Schroeder Mullins, *Sarah Jessica Parker in Town Tonight for Obama*, POLITICO, Sept. 26, 2008, http://www.politico.com/blogs/annschroeder/0908/Sarah_Jessica_in_town_tonight...

⁵ *Id.*; see also, Victor Maldonado, *Sarah Jessica Parker to Headline Obama Fundraiser in Washington*, Sept. 22, 2008, <http://www.pamahouseblend.com/showDiary.do?diaryId=7130&view=print> (stating that the event would also celebrate the opening of VIDA's Metropole location).

1 On December 4, 2008, Mr. Petrillo received an invoice, dated November 26, 2008, from
2 Mr. von Storch for \$2,725.00. Petrillo Dec. at ¶ 12; VIDA invoice, attached as Exhibit C to
3 VIDA Response. Mr. von Storch stated that he charged \$2,500 for the space rental based upon
4 what he estimated a hotel would charge for the same amount of space used, given that the space
5 was new, and "there was no history of customary use, or usual and normal rental charge for, the
6 venue." VIDA Response at 4. In addition, Mr. von Storch charged \$225 for beverages that were
7 served at the event. von Storch Dec. at ¶ 12. OVF subsequently paid the invoice. See Check
8 No. 5560, attached as Exhibit D to VIDA Response.

9 In a supplemental Response, Mr. von Storch explained that since there was no customary
10 usage established for the new location of VIDA and he had no experience estimating the fair
11 market value of renting the space, "he estimated an amount that he thought would be a
12 reasonable fair market value" April 6, 2009 Letter from Katherine R. Boyce Esq. He then
13 discussed the price with the event organizer of the DNC and "was told that, based on the DNC's
14 extensive experience with costs of hotel venue rentals with beverages included (only sodas and
15 beer from one keg were served), the price quoted in the invoice seemed reasonable." *Id.*

16 **III. LEGAL ANALYSIS**
17

18 A corporation is prohibited from making a contribution in connection with a federal
19 election under the Act. See 2 U.S.C. § 441b(a); 11 C.F.R. § 114.2(b). In addition, neither a
20 federal candidate nor a political committee may knowingly accept a contribution from a
21 corporation. See 2 U.S.C. § 441b(a); 11 C.F.R. § 114.2(d). The Commission's regulations
22 further provide that a corporation may not facilitate the making of a contribution by using its
23 corporate resources to engage in fundraising activities for any federal election. See 11 C.F.R.
24 § 114.2(f)(1). The regulations provide examples of conduct that constitute corporate facilitation,

1 including the use of a corporate customer list, to send invitations to individuals not within the
2 restricted class to fundraisers without advance payment; the use of meeting rooms that are not
3 customarily available to civic or community organizations; and the provision of catering or other
4 food services without advance payment. *See* 11 C.F.R. § 114.2(f)(2).

5 *a. Use of VIDA's Customer List*

6 Corporations such as VIDA, which do not have separate segregated funds, are permitted
7 to solicit contributions to be sent directly to candidates, but those solicitations are limited solely
8 to its restricted class, consisting of its stockholders and executive or administrative personnel,
9 and their families. 2 U.S.C. § 441b(b)(2)(A); 11 C.F.R. §§ 114.1(j) and 114.2(f). Moreover,
10 corporate facilitation may result if the corporation uses its list of customers, who are not within
11 the restricted class, to solicit contributions or distribute invitations to fundraisers without
12 advance payment for the fair market value of the list. *See* 11 C.F.R. § 114.2(f)(2)(i)(C).

13 Thus, when Mr. von Storch, the President of VIDA, emailed a list of 20,000 VIDA
14 customers and friends to distribute the September 26 fundraiser invitation without making an
15 advance payment, VIDA solicited outside of its restricted class and facilitated the making of
16 contributions to OVF. While Mr. von Storch reimbursed VIDA after the complaint was filed,
17 such reimbursement may mitigate but not vitiate a violation. Accordingly, the Commission finds
18 reason to believe that VIDA violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f).

19 *b. Space Rental*

20 Corporate facilitation includes "using meeting rooms that are not customarily available to
21 clubs, civic or community organizations or other groups." 11 C.F.R. § 114.2(f)(2)(i)(D). For
22 example, facilitation would occur if a corporation makes its meeting room available for a
23 candidate's fundraiser, but not for community or civic groups. *See Explanation and*

1 *Justification, Facilitating the Making of Contributions*, 60 Fed. Reg. 64259, 64264 (Dec. 14,
2 1995). The permissibility of using such rooms when a corporation receives payment is governed
3 by 11 C.F.R. § 114.9(a), (b), or (d). *Id.* Section 114.9(d), which pertains to “use or rental” of
4 corporate facilities, provides that persons may make use of corporate facilities in connection with
5 a federal election so long as they reimburse the corporation “within a commercially reasonable
6 time in the amount of the normal and usual rental charge.” *Id.*

7 In this matter, despite the purported agreement between Mr. von Storch and Mr. Petrillo,
8 VIDA failed to provide an invoice to the DNC until after the filing of the Complaint and 61 days
9 after the fundraising event. In a recent matter, MUR 5998 (John McCain for President), the
10 Commission determined that it was commercially reasonable for a vendor to invoice a committee
11 45 days after a campaign event and 6 days after the complaint had been filed, given that the
12 delay was relatively short and was due to a tax concern that was under review by the vendor.
13 Furthermore, the Commission has determined billing a committee approximately 90 days from
14 the event is commercially reasonable. *See, e.g.*, MUR 6034 (Worth & Company, Inc.). While
15 the reason for the delay in this matter appears to have been an oversight by the parties, it appears
16 that VIDA obtained payment for the space within a commercially reasonable time, given that
17 VIDA billed OVF within 61 days of the event and received payment shortly thereafter.

18 With respect to the amount paid for the space rental, VIDA indicates that because the
19 space was brand new with no history of customary use, Mr. von Storch charged \$2,500 based
20 upon what he thought would be a reasonable fair market value of the space rental, although he
21 had no experience estimating what a fair market value would be. *See* von Storch Dec. at ¶ 12.
22 Mr. von Storch then consulted Mr. Petrillo, who agreed that the price was reasonable. *Id.* While
23 the respondents claim that the price for the space rental was reasonable, respondents have not

1 provided any supporting information as to how they determined that the price charged was
2 commensurate with what a hotel would typically charge. *See id.*; April 6, 2009 Letter. For
3 example, they do not state whether they actually compared prices of specific hotels in the area,
4 only that Mr. von Storch, in consultation with the DNC, charged what he “thought” would be a
5 fair market value. Although we do not have any specific information as to whether \$2,500 for
6 the space rental was reasonable and are solely relying on respondent’s representations, the
7 Commission should not use its limited resources to further pursue this allegation, given that no
8 information has been presented indicating that the \$2,500 was not the “normal and usual rental
9 charge” for the space under 11 C.F.R. § 114.9(d).

10 *c. Beverages*

11 Under 11 C.F.R. § 114.2(f)(2)(i)(E), corporate facilitation includes “providing catering or
12 other food services operated or obtained by the corporation or labor organization, unless the
13 corporation or labor organization receives advance payment for the fair market value of the
14 services.” Because VIDA did not receive advance payment for the beverages, VIDA appears to
15 have facilitated the making of a contribution. Accordingly, the Commission finds reason to
16 believe that VIDA Fitness and David von Storch violated 2 U.S.C. § 441b(a) and 11 C.F.R.
17 § 114.2(f)(2) by facilitating the making of contribution based on VIDA’s failure to obtain
18 advance payment for the beverages.

19 **IV. CONCLUSION**

20 Based upon the foregoing information, the Commission finds reason to believe that
21
22 VIDA Fitness and David von Storch violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f).